

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES W. LOGAN,
Plaintiff,
v.
STATE FARM,
Defendant.

Case No. [4:17-cv-03031-KAW](#)

ORDER TO SHOW CAUSE

Re: Dkt. No. 12

On September 14, 2017, the Court dismissed Plaintiff Charles W. Logan's first amended complaint with leave to amend. (Dkt. No. 9.) The Court ordered Plaintiff to file a second amended complaint no later than October 6, 2017. *Id.* at 1.

To date, Plaintiff has not filed a second amended complaint. Plaintiff is, therefore, ordered to file his amended complaint on or before **November 3, 2017**, and respond to this order to show cause by explaining why he did not timely file the second amended complaint and why this case should not be dismissed for failure to prosecute. The second amended complaint and the response to the order to show cause should be filed separately. Failure to file both documents by the deadline may result in the case being dismissed for failure to prosecute.

In amending his complaint, Plaintiff may wish to consult a manual the court has adopted to assist pro se litigants in presenting their case. This manual, and other free information for pro se litigants, is available online at: <http://cand.uscourts.gov/proselitigants>. Plaintiff may also wish to make an appointment with the Federal Pro Bono Project's Help Desk—a free service for pro se litigants—by calling (415) 782-8982. While the Help Desk cannot represent Plaintiff, a licensed attorney may assist him with determining which claims are potentially actionable, as well as how to properly format the second amended complaint so that the causes of action are properly pled.

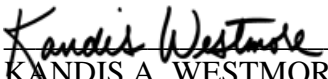
1 Appointments are available at the San Francisco and Oakland courthouses. Plaintiff is again
2 advised that the failure to state a claim in the second amended complaint may result in the entire
3 case being dismissed.

4 Plaintiff should be aware that an amended complaint will supersede or replace the original
5 complaint, and the original complaint will thereafter be treated as nonexistent. *Armstrong v. Davis*,
6 275 F.3d 849, 878 n.40 (9th Cir. 2001), abrogated on other grounds by *Johnson v. Cal.*, 543 U.S.
7 499 (2005). The second amended complaint must, therefore, be complete, in itself, without
8 reference to the prior or superseded pleading, as “[a]ll causes of action alleged in an original
9 complaint which are not alleged in an amended complaint are waived.” *King v. Atiyeh*, 814 F.2d
10 565, 567 (9th Cir. 1987) (citations omitted).

11 Additionally, the November 14, 2017 case management conference is continued to
12 December 12, 2017. Case management conference statements are due on or before December 5,
13 2017.

14 IT IS SO ORDERED.

15 Dated: October 18, 2017

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KANDIS A. WESTMORE
17 United States Magistrate Judge
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